



# Maricopa County

## Office of Management and Budget

RING DECISION: BUDGET ANALYSIS & RECOMMENDATION

### PURPOSE

The purpose of this research report is to provide analysis and recommendations on the impact of the *Ring* decision on County criminal justice agencies so that the Board of Supervisors can allocate funding as appropriate.

### BACKGROUND

In June 2002, the U.S. Supreme Court found Arizona's death penalty statutes, which provided for judges to determine aggravating and mitigating factors in deciding the death penalty, to be unconstitutional. Prior to the *Ring v. Arizona*<sup>1</sup> decision and subsequent statutory changes in cases where the prosecution sought a death penalty, juries determined only the defendant's guilt. When a jury found a defendant guilty of an offense for which the death penalty was possible, the judge subsequently conducted hearings to determine aggravating circumstances and decided whether to impose the death penalty. The Supreme Court's decision in the *Ring* case requires "only that a jury find beyond a reasonable doubt all facts that make a person eligible for the death penalty. *Ring* does not require jury sentencing."<sup>2</sup>

In July, the Arizona Legislature met in special session to consider legislation to amend Arizona's death penalty statutes in order to comply with the U.S. Supreme Court decision. Among the three bills that were introduced, S.B. 1001 was signed into law. It has been argued that S.B. 1001 did not simply "respond" to *Ring* or simply 'fix' what the Supreme Court said was broken", but goes beyond the inherent requirements of the *Ring* decision in that it requires full jury sentencing throughout the trial.<sup>3</sup>

The new statutes provide for a three-phase jury trial in death penalty cases, as outlined below:

#### Phase One

In this phase, as with pre-*Ring* trials, a jury determines a defendant's guilt.

#### Phase Two

In this phase, the same jury determines if aggravating circumstances exist.

- If the jury determines that aggravating circumstances exist, it then determines the penalty (phase three, discussed below).
- If the jury determines that no aggravating circumstances exist, then the judge imposes a life sentence.

<sup>1</sup> *Ring v. Arizona*, 536 U.S., 122 S. Ct. 2428, 153 L.Ed.2d 556 (2002).

<sup>2</sup> Donna Elm, "Capital Penalty Phase Argument Misconduct – Chapter One: Understanding the Legal Landscape," *For the Defense* Volume 12, Issue 10: 2.

<sup>3</sup> *Id.*

- If the jury is unable to reach a determination on aggravating circumstances, a new jury is selected and aggravation evidence is again presented for a decision. If the new jury also cannot reach a determination on aggravating circumstances, the court imposes a life sentence.

### Phase Three

This phase occurs only if a unanimous jury finds, beyond a reasonable doubt, the existence of at least one aggravating circumstance. In this phase, the jury hears evidence in mitigation and determines the penalty. In an ideal situation, the same jury will be able to determine aggravating circumstances (phase two) and the penalty (phase three) in the same proceeding.

- If the jury decides on the death penalty, that sentence is imposed if it is upheld after appeal.
- If the jury determines not to impose the death penalty, the judge imposes a life sentence.
- If the jury is unable to reach a decision on the death penalty, the judge calls for a new jury to decide the penalty.
- If the new jury is unable to reach a determination on the death penalty, the court then imposes a life sentence.

The ongoing impact of the new process for death penalty cases arises from the fact that the jury that determines guilt will also be expected to consider the death penalty immediately thereafter. Additional trial proceedings before a jury are expected to take longer and require more attorney preparation. Furthermore, under the old process, there would be a considerable interval of time between the delivery of a guilty verdict and the judge's sentencing hearings. Consequently, the prosecution and defense attorneys did not have to prepare for sentencing until after a guilty verdict was delivered. Under the new process, there will effectively be no break in the trial, which means that attorneys must prepare for the aggravation and sentencing phases of a trial prior to commencement of the guilt phase, even for cases in which the defendant is not found guilty of capital charges.

In addition to the ongoing impact, the *Ring* decision and the new death penalty statutes may require some degree of re-trial of current death penalty cases that have been tried but are awaiting sentencing. Re-trial may also be necessary for recent cases in which the death penalty has been imposed but are still under direct appeal in addition to cases as much as twenty years old for which the sentence has not yet been carried out.

On September 18, 2002 the County Attorney's Office submitted an emergency budget request to the Board of Supervisors formally requesting funding for additional staff and resources to address the impact of the new process, as well as for changes approved by the Arizona Supreme Court in Criminal Rules 8 and 15. The indigent defense offices, along with the Superior Court and the Sheriff's Office followed suit. Each agency arrived at its request for funding using different methodologies. The impact of the changes to Rules 8 and 15 are being considered separately. In order to make a budget recommendation on the impact of the *Ring* decision, the Office of Management and Budget (OMB) conducted a comprehensive analysis that applied the same approach to all

agencies. That analysis and its results, along with OMB's recommendations, are the focus of this report.

## ANALYSIS

### Department Requests

Altogether, the various offices involved requested funding of \$8,060,880 (includes 115 FTE) for FY 2002-03 with an annualized (FY 2003-04) impact of \$11,340,559 (includes 105 FTE). The departmental requests are summarized in the following table:

**Table 1 – Summary of Department Requests**

	<b>One-time Start-up Costs</b>	<b>FY 2002-03 Amount</b>	<b>FTE</b>	<b>Annualized Amount</b>	<b>FTE</b>
County Attorney	\$ 208,490	\$1,288,011	20	\$ 1,887,918	20
Indigent Representation	364,964	5,761,203	75	8,810,998	75
Sheriff's Office	-	1,011,666	20	-	-
Superior Court	176,600	-	-	641,643	10
Clerk of the Court	-	-	-	392,230	11
	<b>\$ 750,054</b>	<b>\$ 8,060,880</b>	<b>115</b>	<b>\$ 11,340,559</b>	<b>105</b>

### **County Attorney**

The County Attorney's Office requested funding of \$1,496,501 for FY 2002-03, which includes the addition of 20.0 FTE and one-time start-up costs of \$208,490. Specifically, the County Attorney's Office is requesting \$949,384 (includes 14.0 FTE) in FY 2002-03 to handle the 16 death penalty cases that are expected to be remanded to Superior Court for resentencing and \$547,117 (includes 6.0 FTE) to handle the increased workload associated with the new death penalty prosecution procedures. The annualized amount requested by the County Attorney's Office totals \$1,887,918.

For the remanded cases, the County Attorney's Office is requesting the following new positions: five prosecutors, four paralegals, two detectives, one victim advocate and two legal support specialists. To address the ongoing workload, the department is requesting the following new positions: two prosecutors, two paralegals, one detective and one legal support specialist.

### **Indigent Representation**

Collectively, the four offices that make up the Indigent Representation Department requested funding of \$6,126,167 for FY 2002-03, which includes the addition of 75.0 FTE, salary advancements for existing staff and one-time start-up costs of \$364,964. In total, Indigent Representation requested total annualized funding of \$8,810,998. Indigent Representation's request is not intended to address costs associated with the 16 death penalty cases that are expected to be remanded for resentencing, but rather to address the typical yearly caseload. Their intention is to absorb the impact of the remanded cases with the understanding that their will be a temporarily heavy workload. Specifically, the Public Defender's office is proposing to establish a dedicated death penalty unit while the offices of the Legal Defender and Legal Advocate intend to manage their caseload under their current processes. The Office of the Contract Counsel (OCC), however, based their

budget request on the premise that their office will handle all 16 cases that are expected to be remanded for resentencing.

### **Sheriff's Office**

The Sheriff's Office is requesting a total of \$1,011,666 (includes 20 FTE) for FY 2002-03 to address one-time costs associated with the movement of inmates to county jails for the 16 death penalty cases that are expected to be remanded to the Superior Court for resentencing. The Sheriff's request is based on the premise that the death row inmates will be returned to the original court of conviction, which means that a handful of state prison inmates may potentially be returned to the Maricopa County jail system. The inmates in question are close custody inmates that must be isolated from the general jail population and will further require that at least two detention officers be in their presence whenever they are moved.

### **Superior Court**

Superior Court is requesting total annualized funding of \$641,643 and 10.0 FTE in addition to one-time costs of \$176,600 for the purchase of furniture and equipment. Superior Court's request reflects the addition of two new criminal court divisions and includes all associated staff.

### **Clerk of the Court**

Clerk of the Court's request does not include funding for FY 2002-03; however, does include funding of \$392,230 beginning in FY 2003-04 to address the increased workload resulting from the *Ring* decision. Clerk of the Court's request was submitted in response to the Superior Court's budget request and includes the addition of three Courtroom Clerks, seven clerical positions and one Administrator for a total of 11.0 FTE.

### **Methodology**

The methodology used by OMB builds upon an analysis prepared by Superior Court Administration, which estimates the impact on a judge and jury's time in trial. OMB extended this analysis to include prosecution, defense attorneys and support personnel for all affected entities. OMB's analysis is limited to the incremental impact of the changes in trial processes, and is not intended to address perceived shortcomings that may have existed prior to the *Ring* decision. Court Administration's analysis was based on a study prepared for the Arizona Capital Case Commission<sup>4</sup>. This study provided data on the number of cases filed between 1995 and 1999 and includes the distribution of outcomes at each stage of a case. Estimated average days in trial, by trial phase, were taken from the Court Administration analysis. Average attorney and mitigation specialist preparation time for each trial phase were estimated by OMB based on discussions with County Attorney and indigent defense staff. Only the Office of Legal Advocate (OLA) records actual attorney time by case and, because the office was created as recent as July 2002, information could be provided for only two cases.

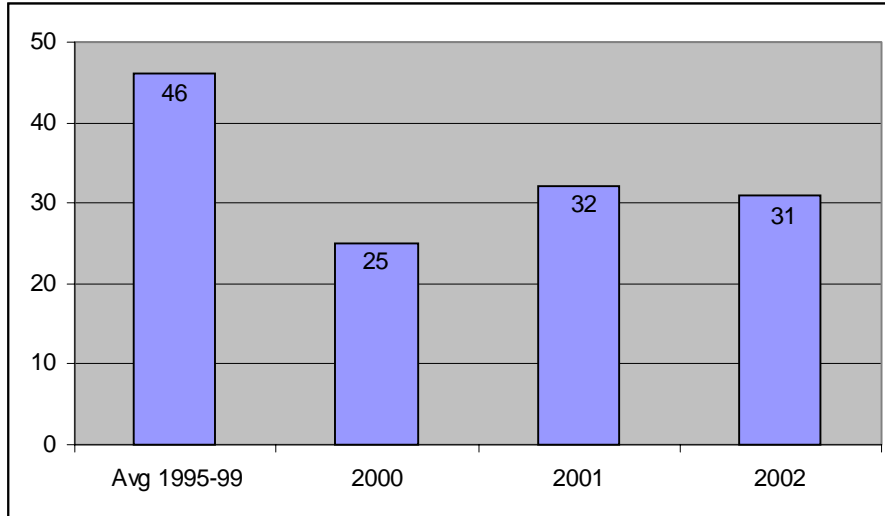
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<sup>4</sup> Arizona First-Degree Murder Cases Summary of 1995-1999 Indictments: Data Set II Research Report to the Arizona Capital Case Commission, Peg Bortner and Andy Hall, The Center for Urban Inquiry, College of Public Programs, Arizona State University, June 2002.

### Caseload Trends and Outcomes

Since 1995, first-degree murder caseload and activity have been relatively stable or even declined in Maricopa County, as shown in the following table:

**Table 2 – Number of Death Penalty Notices Filed - 1999-2002**



Between 1995 and 1999, an average of 105 first-degree murder cases were filed each year; of those, the County Attorney's Office filed notice of its intent to seek the death penalty in 46 instances, on average (43.8% of cases filed). Of the death notice cases, an average of 21 cases (45.7%) actually went to trial with an average of 15 trials resulting in a conviction for a capital offense. Of these, only two cases on average ultimately resulted in the imposition of a death sentence. OMB's analysis therefore assumes this annual case activity, given case filing trends and historical patterns of case outcomes as noted in the following table:

**Table 3 – Annual Death Penalty Caseload - 1995-1999**

	Estimated Annual Caseload	% Occurrence
First Degree Murder Cases Filed	105	100.0%
Death Penalty Notices Filed	46	43.8%
Cases to Trial	21	45.7%
First Degree Murder Convictions	15	71.4%
Death Sentences	2	13.3%
Hung Juries	0.7	3.5%

### Workload Impact

Based on the analysis prepared by Court Administration, under the old process first-degree murder trials that resulted in a conviction took 17.5 days on average, plus three days of jury deliberation. Under the new process, Court Administration estimates that a full trial and sentencing would take an average of 40 days, 22.5 days more, plus a total of nine days of jury deliberation. The additional time is attributable to conducting the aggravation and sentencing phases before a jury.

**Table 4 – Trial Impact (Days per Case)**

	<b>Trial Days per Case</b>	<b>Jury Deliberation Days per Case</b>	<b>Total Trial Impact (Days per Case)</b>
<b><u>Pre Ring Decision</u></b>			
First Degree Murder Cases Filed	n/a	n/a	n/a
Death Penalty Notices Filed	n/a	n/a	n/a
Trials - Guilt Phase	16	3	19
Trials - Aggravation/Sentencing Phase	1.5	n/a	1.5
<b><u>Post Ring Decision</u></b>			
First Degree Murder Cases Filed	n/a	n/a	n/a
Death Penalty Notices Filed	n/a	n/a	n/a
Trials - Guilt Phase	16	3	19
Trials - Aggravation/Mitigation Phase	12	3	15
Trials - Sentencing Phase	12	3	15

The following tables show the estimated average time in trial by phase and the estimated average preparation time for each phase, both pre- and post- *Ring* decision.

**Table 5 – Pre-Ring Decision Hours per Case**

<b>Pre Ring Decision</b>	<b>Judge</b>	<b>Jury</b>	<b>Prosecutor</b>	<b>Lead Defender</b>	<b>2nd Chair Defender</b>	<b>Mitigation Specialist</b>
<b><u>Preparation Time per Case (in hours)</u></b>						
Guilt Phase	4.00	-	165.00	165.00	82.50	75.00
Aggravation/Mitigation & Sentencing Phases	15.00	-	81.00	81.00	92.00	120.00
<b><u>Trial Time per Case (in hours)</u></b>						
Guilt Phase	128.00	152.00	128.00	128.00	128.00	-
Aggravation/Mitigation & Sentencing Phases	12.00	-	12.00	12.00	12.00	12.00

**Table 6 – Post-Ring Decision Hours per Case**

<b>Post Ring Decision</b>	<b>Judge</b>	<b>Jury</b>	<b>Prosecutor</b>	<b>Lead Defender</b>	<b>2nd Chair Defender</b>	<b>Mitigation Specialist</b>
<b><u>Preparation Time per Case (in hours)</u></b>						
Guilt Phase	4.00	-	165.00	165.00	82.50	75.00
Aggravation/Mitigation & Sentencing Phases	-	-	155.00	155.00	237.50	175.00
<b><u>Trial Time per Case (in hours)</u></b>						
Guilt Phase	128.00	152.00	128.00	128.00	128.00	128.00
Aggravation/Mitigation & Sentencing Phases	192.00	240.00	192.00	192.00	192.00	192.00

The resulting incremental impact (trial preparation and actual trial time) of the procedural changes to Arizona's death penalty statutes is as follows:

**Table 7 – Incremental Impact on Hours per Case**

	Judge	Jury	Prosecutor	Lead Defender	2nd Chair Defender	Mitigation Specialist
<b>Preparation Time per Case (in hours)</b>						
Guilt Phase	-	-	-	-	-	-
Aggravation/Mitigation & Sentencing Phases	(15.0)	-	74.0	74.0	145.5	55.0
<b>Trial Time per Case (in hours)</b>						
Guilt Phase	-	-	-	-	-	128.0
Aggravation/Mitigation & Sentencing Phases	180.00	240.00	180.00	180.00	180.00	180.00

As shown above, the amount of time in trial is estimated to be substantially greater while the difference in trial preparation time is less significant. The additional time in trial is attributable to the new statutory requirement to present the aggravation/mitigation and sentencing phases before a jury.

Given the incremental impact upon hours per case and the estimated average annual caseload, the following chart represents the resulting annual increase in FTE by primary position. For purposes of this analysis, the estimated total annual productive time by position is 1,848 hours, which allows for holiday leave, paid time off and training for each applicable position.

**Table 8 – FTE Impact by Position**

	Average Annual Caseload	Judge	Prosecutor	Lead Defender	2nd Chair Defender	Mitigation Specialist
First Degree Murder Cases Filed	105	n/a	n/a	n/a	n/a	n/a
Death Penalty Notices Filed	46	n/a	n/a	n/a	n/a	n/a
Trials - Guilt Phase	21	-	-	-	-	2,688
Trials - Aggravation/Mitigation & Sentencing Phase	21	3,465	5,040	5,334	5,334	6,836
<b>Total Increase in FTE</b>		<b>2.00</b>	<b>3.00</b>	<b>3.00</b>	<b>3.00</b>	<b>5.00</b>

### Support Staff

For this analysis, support staff requirements are estimated based on current staffing ratios as provided by the affected departments. The staffing ratios provided are as follows:

**Table 9 – Support Staff Ratios**

<b>County Attorney</b>	
1 Attorney:	1 Paralegal 0.5 Detective 0.5 Legal Support Specialist
<b>Indigent Representation</b>	
1 Attorney:	0.2 Investigator 0.33 Legal Secretary 0.125 Legal Assistant

## RECOMMENDATION

Based on the above analysis, OMB recommends the following:

Table 10 – Ring Decision Cost Impact

Maricopa County Criminal Justice Agencies						
	FY 2002-03			FY 2003-04		
	Remands	Ongoing	Total	Remands	Ongoing	Total
County Attorney***	\$ 185,786	\$ 506,572	\$ 692,359	\$ 334,648	\$ 1,033,421	\$ 1,368,069
Indigent Representation	-	600,232	600,232	-	1,232,141	1,232,141
Sheriff's Office	-	-	-	-	-	-
Superior Court	-	-	-	-	-	-
Clerk of the Court	-	-	-	-	-	-
Contingency****	2,000,000	-	2,000,000	TBD	-	TBD
<b>Total</b>	<b>\$ 2,185,786</b>	<b>\$ 1,106,804</b>	<b>\$ 3,292,591</b>	<b>\$ 334,648</b>	<b>\$ 2,265,562</b>	<b>\$ 2,600,210</b>

\*\*Recommendation is based on five-month cost for FY 2002-03  
\*\*\*Includes 3.0 FTE to address remanded caseload.  
\*\*\*\*Funding from Appropriated Fund Balance General Fund Contingency to address remanded caseload for Indigent Representation, the Sheriff's Office and the Courts. Funds not expended in FY 2002-03 will be carried over to FY 2003-04.

### Remanded Caseload

A total of 16 death penalty cases may potentially be remanded to Maricopa County for re-sentencing. OMB's recommendation assumes that (on average) a total of five cases will be tried each year, which results in a remanded caseload spanning approximately three years.

### **Indigent Representation, Superior Court, Clerk of the Court, Sheriff's Office**

Recognizing the need to address the remanded caseload, OMB recommends that a total of \$2.0 million be transferred to a special budget allocation from Appropriated Fund Balance (480) General Fund (100) Contingency to be used as a one-time, non-recurring expense. As cases are remanded to Maricopa County for resentencing, Indigent Representation, Superior Court, Clerk of the Court and the Sheriff's Office may create positions, hire staff and try cases with all relevant costs (that cannot be absorbed within a department's base budget) charged to the special budget allocation in General Government. Those funds which are not expended in the current fiscal year will be carried over into FY 2003-04. Given that the remanded caseload does not directly impact the ongoing departmental workload, all positions created to address remanded cases will be expected to expire through normal attrition. Indigent Representation may use contract attorneys to address cases remanded for resentencing.

Please note that all costs charged to the special budget allocation in General Government must be validated by OMB prior to final approval.

### **County Attorney**

OMB recommends a total annualized (FY 2003-04) increase of \$334,648 for the County Attorney's Office to address the anticipated remanded caseload. The FY 2002-03 (5-month) impact totals \$185,786, which includes \$46,350 in one-time start-up costs as referenced in the table, below.



**Table 11 - County Attorney Recommendation:  
Remanded Caseload**

	<b>FY 2002-03</b>	<b>FY 2003-04</b>
Personnel	\$ 94,324	\$ 226,378
Operating	45,112	108,269
One-time	46,350	-
	<b>\$ 185,786</b>	<b>\$ 334,648</b>

Unlike Indigent Representation, County Attorney does not have the ability to hire contract attorneys to address the remanded caseload; therefore, OMB recommends a base level staffing increase of 4.0 FTE as detailed in the table, below.

**Table 12 – County Attorney: Remanded Caseload – Recommended FTE (Annualized)**

	<b>FTE</b>	<b>Avg Rate</b>	<b>FY 2003-04 Hours</b>	<b>Total Base Salaries</b>	<b>Fixed Benefits</b>	<b>Variable Benefits</b>	<b>Total Salaries + Benefits</b>
Attorney	1.00	\$38.96	2,096	\$ 81,660	\$ 4,439	\$ 8,280	\$ 94,380
LegalAssistant	1.00	17.13	2,096	35,904	4,439	3,641	43,984
Detective/Investigator	1.00	21.50	2,096	45,064	4,439	4,569	54,072
LegalSupport Specialist	1.00	12.78	2,096	26,787	4,439	2,716	33,942
<b>Total</b>	<b>4.00</b>			<b>\$ 189,416</b>	<b>\$ 17,756</b>	<b>\$19,207</b>	<b>\$ 226,378</b>

Given that the remanded caseload does not directly impact the ongoing departmental workload, all positions created to address remanded cases will be expected to expire through normal attrition.

#### Ongoing Impact on Workload

Currently, a backlog of cases is developing. The backlog is due to the changes ushered in with the new trial procedures and will not be permanent. Such a non-recurring backlog does not justify an increase in baseline staffing levels, particularly given the current fiscal environment. Current staff in addition to the recommended staff will need to work through the current backlog and delays are inevitable and unavoidable.

Recognizing the need to address the ongoing increase in workload due to the changes in criminal procedure, OMB's recommendation—by agency—is as follows.

#### **County Attorney**

Based on the preceding analysis, OMB recommends a total annualized (FY 2003-04) increase of \$1,033,421 to address the ongoing increase in workload due to changes in criminal procedure. The FY 2002-03 (5-month) impact totals \$506,572, which includes \$75,980 in one-time start-up costs as referenced in the table, below. (Please refer to Appendix I for a detailed itemization of operating and one-start start-up costs for the County Attorney's Office.)

**Table 13 - County Attorney Recommendation:  
Ongoing Impact on Workload**

	FY 2002-03	FY 2003-04
Personnel	\$ 248,952	\$ 597,485
Operating	181,640	435,936
One-time	75,980	-
	<u>\$ 506,572</u>	<u>\$ 1,033,421</u>

OMB recommends an increase of 9.0 FTE for the County Attorney's Office, as detailed in the table below.

**Table 14 – County Attorney: Recommended FTE (Annualized)**

	FTE	Avg Rate	FY 2003-04 Hours	Total Base Salaries	Fixed Benefits	Variable Benefits	Total Salaries + Benefits
Attorney	3	\$38.96	2,096	\$244,980	\$ 13,317	\$ 24,841	\$ 283,139
Appellate Attorney	1	\$38.96	2,096	81,660	4,439	8,280	94,380
Legal Assistant/Paralegal	3	17.13	2,096	107,713	13,317	10,922	131,953
Detective/Investigator	1	21.50	2,096	45,064	4,439	4,569	54,072
Legal Support Specialist	1	12.78	2,096	26,787	4,439	2,716	33,942
<i>Total</i>	<b>9</b>			<b>\$506,205</b>	<b>\$ 39,951</b>	<b>\$ 51,329</b>	<b>\$ 597,485</b>

### Indigent Representation

Based on the incremental increase in workload, the above analysis suggests a total increase of 14.0 FTE. Of the 14.0 FTE, 7.0 FTE are Attorneys and 5.0 FTE are Mitigation Specialists. Please note that the recommendation also includes the addition of one new appellate attorney. In the last few months, the Board has approved funding for the addition of two Attorneys and one Mitigation Specialist for OLA. OMB therefore recommends a net increase of 11.0 FTE as referenced below.

**Table 15 – Indigent Representation: Recommended FTE (Annualized)**

	Base FTE	OLA	Total Recomm FTE	Avg Rate	FY 2003-04 Hours	Total Base Salaries	Fixed Benefits	Variable Benefits	Total Salaries + Benefits
Attorney	6	(2)	4	\$ 38.96	2,096	\$ 326,641	\$ 27,378	\$ 33,121	\$ 387,140
Appellate Attorney	1	-	1	\$ 38.96	2,096	81,660	4,563	8,280	94,504
Mitigation Specialist	5	(1)	4	22.53	2,096	188,892	22,815	19,154	230,860
Detective/Investigator	1	-	1	18.15	2,096	38,042	4,563	3,857	46,463
Legal Secretary	1	-	1	12.78	2,096	26,787	4,563	2,716	34,066
<i>Total</i>	<b>14</b>	<b>(3)</b>	<b>11</b>			<b>\$ 662,022</b>	<b>\$ 63,882</b>	<b>\$ 67,129</b>	<b>\$ 793,033</b>

Based on the above analysis, OMB recommends a total annualized (FY 2003-04) increase of \$1,232,141. The FY 2002-03 (5-month) impact totals \$600,232, which includes \$86,840 in one-time start-up costs as noted in the table, below. (Please refer to Appendix II for a detailed itemization of operating and one-start start-up costs for Indigent Representation.)

**Table 16 - Indigent Representation Recommendation**

	<b>FY 2002-03</b>	<b>FY 2003-04</b>
Personnel	\$ 330,430	\$ 793,033
Operating	182,962	439,109
One-time	86,840	-
	<b>\$ 600,232</b>	<b>\$ 1,232,141</b>

The recommended new staff would be allocated among the offices of the Public Defender, Legal Defender, Legal Advocate and the Office of Contract Counsel as appropriate.

### **Sheriff's Office**

Given that the Sheriff's budget request was structured to address remanded cases and not an ongoing increase in workload, OMB does not recommend a base level increase.

### **Superior Court**

Based on the incremental increase in workload, the above analysis suggests a total increase of two judicial officers. OMB does not, however, recommend additional staff at this time, as existing court judicial staffing is sufficient to handle the ongoing workload impact of the new death penalty statutes.

In FY 1999-00, OMB recommended funding to add three new Superior Court Judges to reduce criminal case backlog in order to enhance criminal case processing times. OMB's recommendation was based upon Superior Court's 1999 benchmark that each criminal judicial division can effectively terminate 1,090 cases per year. Currently, there are 24 judicial officers that hear criminal cases within the Superior Court, which equates to a capacity of 34,880 criminal cases that *can* be processed each year. In FY 2001-02, there were a total of 23,361 arraignments in Superior Court. Based on 24 criminal judicial officers and total arraignments of 23,361, each division is processing an estimated 973 cases each year ( $23,361 / 24 = 973$ ), which allows for an additional capacity of at least 117 cases per judicial officer.

The criminal case filing statistics used in the 1999 analysis did not include cases filed in Justice Courts but not bound over to Superior Court. Implementation of "direct filing" has increased the number of Superior Court criminal cases filed, but not necessarily resulted from court divisions per se. Furthermore, the 1999 analysis preceded the establishment of the RCC, which has effectively contributed to a decrease in the workload of judicial officers. For these reasons, OMB used the number of Superior Court arraignments as opposed to total felony filings.

### **Clerk of the Court**

Clerk of the Court's budget request was submitted contingent upon funding of the Superior Court's budget request. Given that funding will not be allocated to the Superior Court, OMB does not recommend additional funding for Clerk of the Court at this time.

## Appendix I—

### County Attorney Recommendation

	Unit Cost	Units	Measure	Annual Cost	FTE	Total
Office Supplies	\$ 13	12 Months		\$ 150	9.0	\$ 1,200
Computer Equipment (Capital Lease)	1,300	-	-	433	9.0	3,900
Telephone	26	12 Months		312	9.0	2,496
Expert Witness Fees	13,000	21 Cases		273,000	-	273,000
Witness Travel	2,000	21 Cases		42,000	-	42,000
Investigative Travel	5,200	21 Cases		109,200	-	109,200
Software Maintenance	-	-	-	460	9.0	4,140
						<b>\$ 435,936</b>

	Unit Cost	FTE	Total
Telephones, Prog, Install	\$750	9.0	\$ 6,750
Software	1,670	9.0	15,030
Network Wiring	530	9.0	4,770
Det. Equip. - Radio/Firearm	3,400	1.0	3,400
Det. Vehicle	19,000	1.0	19,000
Work Station (Clerical)	4,710	1.0	4,710
Office Furniture	2,480	9.0	22,320
			<b>\$ 75,980</b>

## Appendix II—

### Indigent Representation Recommendation

	Unit Cost	Units	Measure	Annual Cost	FTE	Total
Office Supplies	\$ 13	12 Months		\$ 150	11.0	\$ 1,650
Computer Equipment (Capital Lease)	1,300	-	-	433	11.0	4,767
Telephone	26	12 Months		312	11.0	3,432
Expert Witness Fees	13,000	21 Cases		273,000	-	273,000
Witness Travel	2,000	21 Cases		42,000	-	42,000
Investigative Travel	5,200	21 Cases		109,200	-	109,200
Software Maintenance	-	-	-	460	11.0	5,060
						<b>\$ 439,109</b>

	Unit Cost	FTE	Total
Telephones, Prog, Install	\$750	11.0	\$ 8,250
Software	1,670	11.0	18,370
Network Wiring	530	11.0	5,830
Det. Equip. - Radio/Firearm	3,400	1.0	3,400
Det. Vehicle	19,000	1.0	19,000
Work Station (Clerical)	4,710	1.0	4,710
Office Furniture	2,480	11.0	27,280
			<b>\$ 86,840</b>